



CITY OF HAYWARD AGENDA REPORT

Planning Commission

Meeting Date 5/18/00

Agenda Item 3

TO: PLANNING COMMISSION

FROM: Dyana Anderly, Planning Manager

**SUBJECT: REVOCATION OF USE PERMIT APPLICATION NO. 90-44 -
CONTINUED FROM NOVEMBER 4, 1999 - K9-K9 KENNELS
(APPLICANT), JAMES AND FRANCES DALTON TRUST (OWNERS) -
Request for the Planning Commission to consider the revocation of a use permit
for the operation of a dog kennel/training facility.**

The project location is 4125 Breakwater Avenue, between Whitesell Street and Johnson Road in an Industrial (I) District.

RECOMMENDATION:

It is recommended that the Planning Commission adopt the attached resolution and revoke Use Permit 90-44, based on the findings set forth in Attachment C.

DISCUSSION:

This matter is being continued from the Planning Commission's November 4, 1999, public hearing wherein the Planning Commission unanimously delayed acting on the revocation of the use permit for six months. The Planning Commission indicated that after that period of time the Planning Commission would determine if the kennel operator, Jack Van Voast, had paid outstanding fines and was in compliance with the City's original terms and conditions of the use permit before making a decision on the revocation issue.

Mr. Van Voast's attorney provided proof that all outstanding fines have been paid and the trailers have been removed. With respect to the conditions of approval, staff believes that not all conditions are met. Specifically, condition No. 9 states,

Comply with all City of Hayward Animal Control requirements such as, total number of dogs allowed on site at one time, cleanliness, size of kennels, treatment of animals in humane fashion, vaccine information and licenses for all animals kept on site, periodic inspections required.

During the November 4, 1999, hearing, the City's Animal Control staff had enumerated instances where, in their opinion, the animals were not treated in a humane fashion, which resulted in injury to the animals and others who came in contact with the animals. Staff is still of the opinion that the methods used by the kennel operator to board animals result in placing the animals in peril. On December 31, 1999, a dog boarded at the kennel (golden Labrador)

was killed by another dog(s). The findings of Dr. Lukas, the veterinarian who performed a post-mortem exam on the animal, reported,

- (1) History of dying at boarding facility where dogs co-mingle (K9-K9)*
 - (2) Rigor mortis – skin of skull cap and neck degloved off body – sand/dirt extensively ground into tissue. Bilat armpit (axillary) lacerations/muscle tearing – again – ground in dirt.*
- Various lumbar and max leg punctures – internal body cavities not assessed.*
Cause of death – dog maul – wounds suggest prolonged attack, with sepsis and physical exhaustion and bleeding.

Past incidents of inhumane treatment of dogs are described in the attached staff report dated October 14, 1999.

The American Boarding Kennel Association (ABKA) was founded for the purpose of upgrading the boarding kennel industry and is recognized for setting industry standards. "Community boarding" (where animals are not caged but run together) is not an accepted practice by the ABKA for several practical reasons. The practice of co-mingling animals increases the possibility of spreading illness, the likelihood of unwanted pregnancies, and the chances of being injured by other dogs. K9-K9 Kennels is not accredited by the ABKA, nor is it required to be as accreditation is voluntary. K9-K9 Kennels practices community boarding, and many individuals who board their dogs at K9-K9 Kennels have indicated that they do so because their animals are **not** caged and are free to run. A kennel is a needed facility in this area, with evidence of this shown in by the 150+ dogs boarded during the Christmas holiday season. This practice, perceived as a positive aspect of the kennel operation, has nonetheless resulted in unfortunate instances for some of the dogs that were boarded.

ENVIRONMENTAL REVIEW:

The proposal is not defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines and is, therefore, exempt from environmental review.

PUBLIC NOTICE:


On May 8, 2000, a Planning Commission public hearing notice was mailed every property owner as noted on the latest assessor's records and occupant within 300 feet of the subject site, and all interested parties. Notice was also provided to the appropriate public agencies. Notices were also provided to the kennel operator, his attorney, and the property owner.

CONCLUSION:

Records show that the kennel has been a detriment to the neighborhood and to the kennel's patrons since its inception in 1990. The manner in which this use is conducted, managed and operated impairs the character and integrity of the zoning district and surrounding area; the applicant has not fully complied with all conditions of approval indicated in the use permit and modification of the use permit; it would not be in the public interest to continue the kennel

operation; and it would be detrimental to the public health, safety and general welfare to continue the kennel use.

Prepared by:

A handwritten signature in cursive script that reads "Dyana Anderly". The signature is written in black ink and is positioned above a horizontal line.

Dyana Anderly, AICP
Planning Manager

Attachments:

- A Staff Report of October 14, 1999, with attachments
- B Minutes of Planning Commission meeting of November 4, 1999
- C Incident Report of December 31, 1999
- D Letter from K9-K9 to owner of deceased dog
- E Bay Area Veterinary Emergency Clinic Report dated 1/1/00

COPIES OF "ATTACHMENT A" ARE ON FILE AT

**CITY HALL PLANNING DIVISION OFFICE
777 B STREET, HAYWARD, CA 94541**

**OR YOU CAN VIEW IT ONLINE WITH THE OCTOBER
14, 1999 PLANNING COMMISSION AGENDA**

(www.cityofhayward.com)

**MEETING**

The regular meeting of the Hayward Planning Commission was called to order at 7:30 p.m. by Chairperson Fish, followed by the Pledge of Allegiance.

ROLL CALL

Present: COMMISSIONERS Bennett, Bogue, Caveglia, Halliday, Williams, Zermeno
CHAIRPERSON Fish
Absent: COMMISSIONER None

Staff Members Present: Anderly, Armes, Borger, Hutar, Jeffery, Looney, Woodbury

General Public Present: Approximately 12

PUBLIC COMMENT

None made

AGENDA

1. **Revocation of Use Permit Application No. 90-44 - K9-K9 Kennels (Applicant), James and Frances Dalton Trust (Owners):** Request for the Planning Commission to consider the revocation of a use permit for the operation of a dog kennel/training facility. *The project location is 4125 Breakwater Avenue, between Whitesell Street and Johnson Road in an Industrial (I) District.*
2. **Zone Change 99-190-03 - Bruce Creager of Barghausen Consulting Engineers for Costco Wholesale (Applicant) / The Price Club Company DBA Costco Wholesale (Owner):** Request to modify a planned development to construct a fully automated self-serve gasoline fueling facility for Costco members only as an accessory use to the Costco Business Center. *The project location is 22330 Hathaway Avenue on the southwest portion of the Costco Business Center, bounded by West A Street and Hathaway Avenue.*

CONTINUED UNTIL NOVEMBER 18, 1999.

PUBLIC HEARINGS

- 1 **Revocation of Use Permit Application No. 90-44 - K9-K9 Kennels (Applicant), James and Frances Dalton Trust (Owners):** Request for the Planning Commission to consider the revocation of a use permit for the operation of a dog kennel/training facility. *The project location is 4125 Breakwater Avenue, between Whitesell Street and Johnson Road in an Industrial (I) District.*

Project Planner Hutar discussed the circumstances surrounding the proposed revocation of the use permit. She cited various violations including zoning and animal control issues. She indicated that Animal Control Manager Armes was available as well as Community Preservation Inspector Jeffery.

Commissioner Caveglia asked Animal Control Manager Arnes whether a number of the incidents listed weren't fairly common when dealing with kennel operators.

He responded that they don't get this many complaints.

Commissioner Bennett asked what the number of dogs allowed per run was. Animal Control Manager Arnes responded that there were no precise numbers in the permit. Professional standards are used as the guidelines.

Public Hearing Opened at 7:40 p.m.

Jack Van Voast, 4125 Breakwater, applicant, stated that he really did not think it would come to this kind of a hearing. He indicated that the bulk of the citations by the Animal Control were erroneous. His project is a very large site and there are numerous dogs on the premises. He then asked his attorney to speak for him. He added that he thought these problems would just go away. He indicated that he spends most of his time and money on rescuing and providing for lost dogs.

Hunter Pyle, 499 14th Street, Oakland, attorney for the applicant, distributed a multi-page response to the staff report. He said he was not only the attorney for K9-K9, he was a customer as well. He pointed out some critical points in the response, including the main issue of the trailers on the property, both of which were gone, as well as the storage sheds. He stated that under no circumstances would Mr. Van Voast have anyone living on the property illegally. He rebutted a number of other issues in the report and said that Mr. Van Voast had taken steps to correct any problems that had occurred. Mr. Pyle said that revoking the use permit would be excessive. Overall the operation is clean and in good shape.

Commissioner Halliday asked when the trailers were removed. Mr. Pyle responded that that second was removed this past week, the first more than six months ago.

Aaron Fox, 52 E. 41st Pl #12, San Mateo, works next door to K9-K9. He indicated that an employee of his might have been responsible for one of the citations for a loose dog. He testified that in his observation, the kennel was a good business and Mr. Van Voast was a good neighbor.

Kimberly K. Wylie, 6369 B Joaquin Murieta, Newark, an employee, said she has always worked with animals and would never work in a place that was cruel to or mistreated animals in any way. She said that the animals were happy to come to this kennel, and she was happy to work there. She added that Mr. Van Voast assumes the responsibility for many strays and would never mistreat animals.

Nicole Row, 4570 Evelence Court, Fremont, explained two of the items in the report. She gave a detailed report as the employee who spoke with the woman in item number 15 who allegedly abandoned her dog, and how they handled the situation. She also described a second incident where a child was bitten after she repeatedly told her not to touch the fence.

Lori Ford, 6231 Tourraine Drive, Newark, another employee, explained a few more of the incidents described in the report. She said she would never work in a business that neglected or abused animals. She added that the report of an attack by a pit-bull might have been the animal at the neighboring business.

Rhonda Tappan, 3139 Caramello Court, Pleasanton, said she works at St. Rose Hospital and



has used K9-K9 for a number of years. She cited recent news reports of animal problems at the Humane Society as well as public zoos. She indicated that, like those facilities, Mr. Van Voast should be encouraged to correct his problems and not shut down. She added that she believed the personnel at K9-K9 had saved the life of her dog when she had a severe medical problem late at night and they recognized the problem and the dog was treated.

Robert Murry, 2020 Foothill Boulevard, Oakland, also has worked at K9-K9 for six years. He said it is a great place.

Chelsea Madison, 4386 Detroit Avenue, Oakland, works as a volunteer with the Animal Rescue. She said they are able to save dogs with the help of K9-K9. The people are kind and loving. Jack Van Voast pays for their keep out of his own pocket, their food, their neutering and spaying. She has never seen any abuse of animals. It would be a real shame to close it down.

Laurie Burke, 5747 Grisborne Avenue, Oakland, also on the Board of the Animal Rescue said you can not find these kinds of facilities in most places. She was very supportive of K9-K9, adding it is in a great location. She would still recommend them.

Astrid Dahlman, Oakland, also involved in the Animal Rescue work said this would be a tremendous loss to the rescue community.

Kathy Marks, 3772 Cannon Avenue, Oakland, another Animal Rescue volunteer said dogs brought to this kennel are given love and attention and do not seem like the same animals. She could not imagine anyone would complain about giving dogs a good life. She described Mr. Van Voast as a man who runs his business with a heart. He may have made some mistakes in the past but we all make mistakes.

Public Hearing Closed at 8:29 p.m.

When asked by Commissioner Caveglia whether the trailers were gone, Mr. Jeffery responded that he could not vouch for it personally but had a document in front of him saying that as of the second of the month they were both gone. He said his last visit to the site was just prior to the date of the last scheduled hearing.

Commissioner Caveglia said he was disappointed at the last hearing when permission for the trailers to remain was disregarded. He said Mr. Van Voast lives in a world of dogs, loves dogs and that he does not believe the bureaucratic rules apply to him. He was amazed at the number of people who would testify in support of this man. He said it is not an easy job he is doing. He moved that the permit not be revoked, now that the trailers are gone.

The motion was seconded by Commissioner Zermeno.

Commissioner Halliday asked if the trailers were just removed, she was not sure whether the operation can continue without this housing for staff. She asked Mr. Van Voast for further information.

He confirmed that he would be moving back into the living space on the premises and would manage.

Commissioner Williams said we have a responsibility to the people of this City. The appellant has to realize that he is living in a society with laws and rules. Commissioner Williams added that he would like to hear more from those customers who actually use the service and expressed dismay that he had failed to pay court imposed fines. Mr. Van Voast has had ample time to obey the decisions that have been reached through the City and the Courts. He agreed that the service was needed but added no one is above the law.

Commissioner Bennett asked whether it is legal for Mr. Van Voast to live on the property.

Planning Director Anderly responded that he does have living quarter on the premises for an attendant and that the situation would be ancillary to the kennel operation.

Commissioner Bennett continued that it was a difficult motion to support but agreed it is a necessary service. She said she would like to see modifications to bring the permit into compliance. She then asked for more information regarding the permanency of the revocation process.

Planning Director Anderly responded that it would be appealed to the City Council within 10 days and if they upheld it, he could not reapply for a permit for a full year. She added, that is not to assume he would continue to operate.

Commissioner Zermeno stated he would hope Mr. Van Voast would have learned his lesson through this process. He suggested that the City monitor the business.

Commissioner Caveglia added that Mr. Van Voast had apparently recognized the seriousness of the process since he had already taken steps to try to change the text amendment to permit his trailers, and when he failed, he did get rid of them. He added that it is not easy to get rid of something like that. He agreed that the process has gone on for quite awhile. He has responded as he has seen fit.

Commissioner Bogue said he could not support the motion as stated. The trailers were removed only at the last moment. If they were to review the permit, no date was set for reporting back to the Commission.

Commissioner Caveglia asked about a six-month condition for review.

Commissioner Bennett asked the Assistant City Attorney for guidelines on what alternative action the Commission might take in this case.

Assistant City Attorney Borger listed various options.

Commissioner Williams stated that these were alternatives to consider. He said he would be willing to agree to allowing a 6-month extension to indicate that the Commission's trust is well placed. He moved for a friendly amendment to further condition the Use Permit. Commissioner Caveglia declined the addition.

Chairperson Fish said he would support the motion since he was initially concerned with how Mr. Van Voast was caring for the animals in his custody.



The motion failed by the following vote:

AYES:	COMMISSIONERS Caveglia, Zermeno CHAIRPERSON Fish
NOES:	COMMISSIONERS Bennett, Bogue, Halliday, Williams
ABSENT:	None
ABSTAIN:	None

Commissioner Williams moved, seconded by Commissioner Halliday, to revoke the action for six-months and review the Use Permit at that time requiring the fines to be paid, the trailers will still be off the property, and the City's original terms and conditions to be in effect.

Commissioner Bennett asked for a friendly amendment to require the appellant to pay the \$1,300 outstanding fines owed to the Court within 30-60 days. This was not agreed to.

Planning Director Anderly said the fees would go to the DMV for payment when Mr. Van Voast tries to register his vehicle.

Commissioner Williams asked that, in all fairness to Mr. Van Voast, that he begin to work more closely with staff.

The motion passed unanimously.

2. **Zone Change 99-190-03 - Bruce Creager of Barghausen Consulting Engineers for Costco Wholesale (Applicant) / The Price Club Company DBA Costco Wholesale (Owner):** Request to modify a planned development to construct a fully automated self-serve gasoline fueling facility for Costco members only as an accessory use to the Costco Business Center. *The project location is 22330 Hathaway Avenue on the southwest portion of the Costco Business Center, bounded by West A Street and Hathaway Avenue.*

CONTINUED UNTIL NOVEMBER 18, 1999.

ADDITIONAL MATTERS

3. Oral Report on Planning and Zoning Matters

There were no staff reports.

4. Commissioners' Announcements, Referrals

Commissioner Caveglia asked about an article in the California League of Cities bulletin indicating that the Youth Commissioners in Claremont were hired to work on building the skate park and could that be done in Hayward as well.

Commissioner Fish added that Oakland has a policy of hiring residents first for projects. Could that be applied in Hayward as well?

Planning Manager Anderly said these would be investigated.

Commissioner Zermeno asked for further clarification on the St. Vincent de Paul cottages. He was told they were resolving geotechnical issues and weren't ready to be heard by the Commission at this time.

MINUTES

October 14, 1999 - Approved

ADJOURNMENT

The meeting was adjourned by Chairperson Fish at 9:07 p.m.

APPROVED:

Barbara Halliday, Secretary
Planning Commission

ATTEST:

Edith Looney
Commission Secretary



REPORT NUMBER 0000532

HAYWARD POLICE DEPARTMENT - HAYWARD, CA

INCIDENT REPORT

Location of Occurrence: 4125 Breakwater Beat: _____

Day/Date/Time of Occurrence: From: Fri / 12 - 31 - 99 / 1630 To: _____

Type of Incident: Animal Neglect Offense Code: A21MC Attempt Only ☐

Location Type:

- | | | | | | |
|--|--|---|---|---|---------------------------------------|
| <input type="checkbox"/> APartment/condo | <input type="checkbox"/> COMmunity/public building | <input type="checkbox"/> FAST food | <input type="checkbox"/> INDUstrial/manufacturing | <input type="checkbox"/> OTHER (field/lot) | <input type="checkbox"/> SCHool |
| <input type="checkbox"/> ATM | <input type="checkbox"/> CONvenience Store | <input type="checkbox"/> GAS station | <input type="checkbox"/> JAIL | <input type="checkbox"/> PLAYground/park | <input type="checkbox"/> STORage/Comm |
| <input type="checkbox"/> BANK/financial | <input type="checkbox"/> DEPartment Store | <input type="checkbox"/> HIGHway/street | <input type="checkbox"/> LIQuor | <input type="checkbox"/> PARKing lot | <input type="checkbox"/> STORage/Res |
| <input type="checkbox"/> BAR/restaurant | <input type="checkbox"/> DRUG/medical | <input type="checkbox"/> HOSpital | <input type="checkbox"/> MALL | <input type="checkbox"/> RESidential(single) | <input type="checkbox"/> SUPermarket |
| <input type="checkbox"/> CHURch/synagogue/mosque | <input type="checkbox"/> DUPlax | <input type="checkbox"/> HOTel/motel | <input type="checkbox"/> MOBile home | <input checked="" type="checkbox"/> RETail/commercial | <input type="checkbox"/> THEater |
| | | | | | <input type="checkbox"/> VEHICLE |

Involves:

- | | | | | |
|---|--------------------------------|----------------------------------|--------------------------------|-----------------------------------|
| <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Force | <input type="checkbox"/> Alcohol | <input type="checkbox"/> Drugs | <input type="checkbox"/> Computer |
|---|--------------------------------|----------------------------------|--------------------------------|-----------------------------------|

Case Status:

- ☐ Open
☐ Suspended
☒ Cleared

Clearance Date: 01 - 5 - 00

Clearance Type:

- ☐ ADult-ARrest ☐ JUV-ARREST
☒ ADult-EXceptional ☐ JUV-EXceptional
☐ UNFOunded

Special Reporting:

- | | | | | | | |
|---|-------------------------------|--|-------------------------------------|-----------------------------------|--|---|
| <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Gang | <input type="checkbox"/> Domestic Violence | <input type="checkbox"/> Hate Crime | <input type="checkbox"/> Homicide | <input type="checkbox"/> Officer Injured | <input type="checkbox"/> Victim over 60 |
|---|-------------------------------|--|-------------------------------------|-----------------------------------|--|---|

Weapons:

- | | | | | |
|---|---|---|--|----------------------------------|
| <input checked="" type="checkbox"/> N/A | <input type="checkbox"/> Other Dangerous Weapon | <input type="checkbox"/> Knife/Cutting Instrument | <input type="checkbox"/> Personal Weapons (hands, feet, fists) | <input type="checkbox"/> Firearm |
|---|---|---|--|----------------------------------|

<input type="checkbox"/> Informant <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Parent	Name (Last, First, MI) Van Voast, Jack		Race WHT	Sex M	D.O.B. 12 - 28 - 37		
	Residence Address (Number, Street, Apt., City, State) <input checked="" type="checkbox"/> Hayward 4125 Breakwater		PFN #		Residence Phone 510 - 585 - 5959		
	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School		DL/ID #		Other Phone - -		
<input type="checkbox"/> Informant <input type="checkbox"/> Suspect <input checked="" type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Parent	Name (Last, First, MI) Santos, Pamela		Race WHT	Sex F	D.O.B. 04 - 20 - 65		
	Residence Address (Number, Street, Apt., City, State) <input type="checkbox"/> Hayward 19211 Edwin Markham Dr Castro Valley		PFN #		Residence Phone 510 - 537 - 8961		
	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School		DL/ID #		Other Phone - -		
Vehicle Status <input type="checkbox"/> Suspect <input type="checkbox"/> Victim	License Number	State	Vehicle Type	Body	Year	Make	Model
	Color		Further Description:				

SUMMARY

Santos' dog was killed while being boarded at K9 K9 Kennels. The kennels is owned by (S) Van Voast.
(V) dog is a 10 year old female Yellow Labrador.

Value of Loss:	Date/Time Reported: 01 - 05 - 00 / 1000	Evidence: <input checked="" type="checkbox"/> Photos <input type="checkbox"/> Prints <input type="checkbox"/> Other	Follow Up Assigned To:
Officer/Badge M. Brown BM6889	Victim Advised Per: 293PC <input type="checkbox"/> Yes <input type="checkbox"/> No	Approved AG1605	

Routing: CLETS, DA, DB, GANG, IA, JUV ARR, JUV 300, PROP, VICE, YFSB, DETECTIVE, NARCOTICS C

ATTACHMENT C

HAYWARD POLICE DEPARTMENT- HAYWARD, CA

☐ Additional Name/Vehicle Information Attached

<input type="checkbox"/> Informant <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Parent	Name (Last, First, MI)					Race	Sex	D.O.B.	
	Residence Address (Number, Street, Apt., City, State) <input type="checkbox"/> Hayward					PFN #		Residence Phone	
	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School					DL/ID #		Other Phone	
<input type="checkbox"/> Informant <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Parent	Name (Last, First, MI)					Race	Sex	D.O.B.	
	Residence Address (Number, Street, Apt., City, State) <input type="checkbox"/> Hayward					PFN #		Residence Phone	
	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School					DL/ID #		Other Phone	
<input type="checkbox"/> Informant <input type="checkbox"/> Suspect <input type="checkbox"/> Victim <input type="checkbox"/> Witness <input type="checkbox"/> Parent	Name (Last, First, MI)					Race	Sex	D.O.B.	
	Residence Address (Number, Street, Apt., City, State) <input type="checkbox"/> Hayward					PFN #		Residence Phone	
	Other Address <input type="checkbox"/> Business <input type="checkbox"/> Mailing <input type="checkbox"/> School					DL/ID #		Other Phone	
Vehicle Status <input type="checkbox"/> Suspect <input type="checkbox"/> Victim	License Number	State	Vehicle Type	Body	Year	Make	Model		
	Color		Further Description:						
Vehicle Status <input type="checkbox"/> Suspect <input type="checkbox"/> Victim	License Number	State	Vehicle Type	Body	Year	Make	Model		
	Color		Further Description:						
SUSPECT DESCRIPTION		VICTIM STATUS		PHYSICAL EVIDENCE		WITNESS ATTEMPTS		SUSPECT STATEMENT	
SUSPECT STATUS		NARRATIVE		CRIME SCENE DESCRIPTION		WITNESS TESTIMONY		SUSPECT RECORD	

NARRATIVE

On 1-5-00 Santos called the Hayward Animal Shelter to report her dog being killed while being boarded at K9 K9 kennels. On 1-6-99 I spoke to Santos over the phone, who related the following. She said on 12-28-99 she took her 2 Labradors to K9 K9, to be boarded over the holidays. Santos said in past she boarded the dogs at a vet, however, they were booked up. A friend told her about K9 K9 Kennels. On 12-28-99 she spoke to a young girl that worked at the kennels. Santos voiced her concern to the girl regarding her dogs being turned loose with other dogs. She was reassured by the girl that there has never been problem. Santos told the girl to use her best judgment, and left her dogs there. On 12-30-99 Santos called the kennels to check on the dogs. She was told the dogs were fine, and were playing in the yard. On 1-1-00 Santos said her husband, while still out of town, called their house to check the messages. There was a message from Jack Van Voast saying to call him as soon as they could. Santos called Van Voast back and was advised Chelsea was dead. She said Van Voast told her Chelsea was in the yard with about 30 other dogs, and another dog bit her. Santos had family members pick up her dogs, and take Chelsea to the Bay Area Veterinary Emergency Clinic for examination.

Per Penal Code Section 293 I advised victim(s) that his/her name will become a matter of public record unless victim(s) requests confidentiality pursuant to Government Code Section 6254. Confidentiality requested: ☐ Yes ☐ No

Signature of Informed party: _____ Date/Time: _____ / _____

Name: HAYWARD POLICE DEPARTMENT - HAYWARD, CA

Santos paid \$160.00 to have the dog examined. Dr Lukas issued her the following written statement. Rigor mortise had already set in. The skin of the skull cap and neck were degloved off body. Sand and dirt were extensively ground into tissues. Dr Lukas also noted lacerations and muscle tearing to the armpit area. Various lumbar and rear leg punctures. Dr Lukas stated the cause of death to be dog mauling wounds, and suggest a prolonged attack. SEE STATEMENT

On 1-6-00 I made contact with Van Voast at K9 K9 Kennels. Van Voast said there were 15-20 dogs loose in the yard together. He said Santos' 2 dogs had been loose with other dogs since they arrived on 12-28-99. At night the dogs were kept in a "TV room" with up to 10 other dogs. At 7 am the dogs were turned loose in the yard with 15-20 other dogs. Over the holidays, he said he had about 160 dogs boarded. On 12-31-99 he was advised by an employee that there was a dead dog in the yard. Van Voast said he found Chelsea dead with multiple bite wounds on her rear leg, back and neck. Van Voast said rigor mortise had set in and guessed the dog had been dead for about 1.5 hours.

PHYSICAL EVIDENCE

photos of dead dog provided by Santos

CASE STATUS

closed, information only, Santos advised of possible civil action



4125 lot e Breakwater Ave.
Hayward, CA. 94545

Phone: 510-785-5959
Fax: 510-785-3939

To the Santos family;

All of us here are very sorry about your loss of Chelesa. We all share in your grief.

Chelesa stayed in the front yard and the TV room, where She slept at night. Her body was discovered in the front yard approximately 4:30 PM Friday, 12-31-99. I called the home and cell phone numbers without results. Because of the irreversible condition of the situation, I decided to wait until the next morning to notify the contact person. Again, I can not tell you how very sorry We are.

A handwritten signature, possibly reading "K. Santos", written in ink and slanted diagonally across the page.

ATTACHMENT D

BAY AREA VETERINARY EMERGENCY CLINIC

14790 WASHINGTON AVE. • SAN LEANDRO, CA 94578 • (510) 352-6080

Client ID # 13907

LAST NAME		FIRST NAME		MIDDLE NAME	
SANTOS		JESSE		J	
STREET ADDRESS					
2122 PICO PLACE					
CITY		STATE		ZIP	
SAN LEANDRO		CA		94578	
ADMISSION DATE & TIME		HOME PHONE		OTHER PHONE	
11/100 11:30		276-5751			
PATIENT NAME		SPECIES		BREED	
CHITSEA		CANINE		LAK	
SEX		AGE		COLOR	
F		9		GOLD	
REFERRING OR FAMILY VETERINARIAN		CASH		CHECK	
		VISA		MC	
PAYMENT REFERENCE		CASH		CHECK	
		VISA		MC	

	APPROX. COST	FINAL COST
EMER FEE		
EXAMINATION/CONSULTATION		
TREATMENT MEDICATION		
INJECTIONS		
SEDATION		
ANESTHESIA		
X-RAY		
LABORATORY		
SURGERY		
FLUID THERAPY		
SPLINTS/BANDAGES		
INTENSIVE CARE/HOSPITAL CARE		269.
SPECIAL PROCEDURES		
FEE ESTIMATE		
TOTAL CHARGES		160.00
DEPOSIT		m/c
BALANCE		
TOTAL PAYMENT		160.00

AUTHORIZATION FOR MEDICAL AND/OR SURGICAL TREATMENT
 I HEREBY AUTHORIZE THE DOCTOR ON DUTY (AND ASSISTANTS THE DOCTOR MAY DESIGNATE) TO ADMINISTER TREATMENT AS IS CONSIDERED THERAPEUTICALLY AND/OR DIAGNOSTICALLY NECESSARY ON THE BASIS OF FINDINGS DURING THE COURSE OF SAID EVALUATION. I ALSO CONSENT TO THE ADMINISTRATION OF SUCH ANESTHETICS AS ARE NECESSARY AND SURGICAL PROCEDURES OF AN EMERGENCY NATURE.
 I HEREBY CERTIFY THAT I HAVE READ AND FULLY UNDERSTAND THE ABOVE AUTHORIZATION FOR MEDICAL AND/OR SURGICAL TREATMENT. THE REASONS WHY THE SURGERY IS CONSIDERED NECESSARY, ITS ADVANTAGES AND POSSIBLE COMPLICATIONS, IF ANY, AS WELL AS POSSIBLE ALTERNATIVE MODES OF TREATMENT WHICH ARE EXPLAINED TO ME BY THE DOCTOR. I ASSUME FINANCIAL RESPONSIBILITY FOR ALL CHARGES INCURRED TO PATIENT. CONSENT TO RELEASE OF MEDICAL INFORMATION AND AUTHORIZE DIRECT PAYMENT TO THE ABOVE NAMED HOSPITAL OR CLINIC.
 I UNDERSTAND THAT EMERGENCY PATIENTS MUST BE REMOVED FROM THE CLINIC DAILY BY 7:30 A.M. THOSE RECEIVED ON SATURDAY AFTERNOON OR SUNDAY MAY IF NECESSARY BE HELD UNTIL MONDAY AT 7:30 A.M. IF I FAIL TO REMOVE SAID ANIMAL BY THAT TIME I WILL BE RESPONSIBLE FOR ADDITIONAL CHARGES FOR TRANSPORTATION TO THE HUMANE SOCIETY OR SPCA.
 FINANCE CHARGE APPLIED TO ALL ACCOUNTS UNPAID AFTER 30 DAYS. FINANCE CHARGE COMPUTED BY A PERIODIC RATE OF 1.25% PER MONTH WHICH IS THE ANNUAL PERCENTAGE RATE OF 15.625% MINIMUM CHARGE \$1.00.
 DELINQUENT ACCOUNTS SUBMITTED TO COLLECTIONS WILL BE ASSESSED A REASONABLE COLLECTION FEE FOR EACH OF THE TWO PHASES OF THE COLLECTION PROCESS.

SIGNATURE OF OWNER OR RESPONSIBLE AGENT
 WITNESS
 ALLERGENS AND/OR MEDICATIONS
 ALL PRICES OF TAXABLE ITEMS INCLUDE REIMBURSEMENT FOR SALES TAX COMPUTED TO THE NEAREST MILL

ENTERING COMPLAINT: DOB

RESP. TEMP. 100.4 M.M. white mm HR. WT.

① HISTORY ② PHYSICAL FINDING ③ DIAGNOSIS ④ TREATMENT

① History of dying at boarding facility where dogs co-mingle (K9-K9)

② Rigor mortis - skin of skull cap and neck degloved off bodull - said diff extensively U around into tissue Bilat armpit (axillary) laceration/muscle trauma - 1 area - 2 areas in dist. Ventr. lumen and 1 area U for 1/2 hr. 1/2 hr. Intest. body cavity not assessed - cause of death -> Dox meal - wound, surgical attack with sepsis and physical trauma and bleeding 2/10 DIC

RELEASE TO: OWNER/AGENT

DATE TIME A.M. P.M.

FILE COPY - White • VETERINARIAN COPY - Canary CONTROL COPY - Pink • CLIENT COPY - Goldenrod

ATTACHMENT E